THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.31757 of 1997

Dated 24-04-2007

Between:
Smt Mandava Narayanamma & another.

..... PETITIONERS

AND

The Principal Secretary to Government, Irrigation & CAD (Project Wing) Department, Secretariat Buildings , Hyderabad & others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.31757 of 1997

O R D E R:

The relief sought for in this writ petition is to declare the action of the respondents, in not condoning the short fall of six days in computing 10 years of service for eligibility to draw retiral benefits, as arbitrary and illegal.

Respondents in the writ petition are the Principal Secretary to Government (Irrigation and CAD), Superintending Engineer (Irrigation Circle) and Executive Engineer, JRPH Division.

In view of the judgment of the Supreme Court in **L.Chandra Kumar v. Union of India**[1], the petitioners ought to have approached the Andhra Pradesh Administrative Tribunal in the first instance before the jurisdiction of this Court under Article 226 of the Constitution of India could have been invoked.

Since the petitioners had approached this Court without invoking the jurisdiction of the Tribunal in the first instance, the writ petition is liable to be dismissed. Needless to state that this order shall not preclude the petitioners from approaching the Andhra Pradesh Administrative Tribunal for appropriate relief.

The writ petition is accordingly dismissed. No order as to costs.

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24-04-2007

usd

[1] AIR 1997 SC 1125